



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 25, 1989

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

MEMORANDUM

SUBJECT: Whether a Concrete Vaulted UST System is Subject to the
Underground Areas Exclusion

FROM: David O'Brien, Chief /s/
Standards Branch, OUST (OS-410)

TO: Wayne S.. Naylor, Chief
Underground Storage Tank Section (3HW31)

This is in response to your July request from Virginia as to whether a precast Concrete vaulted tank system housing a tank below grade is exempt from 40 CFR part 280 requirements. The answer to this request is yes, "if the tank sits upon or above the surface of the floor and there is sufficient space to enable physical inspection of the tank bottom." (53 FR 37121). As explained in the preamble, such tanks, although technically underground, are no different than above ground tanks and are therefore included in the Law's underground areas exclusion.

For your information, we have no authority to withhold this interpretation (which is already provided in the final rule's preamble) from the Virginia Water Control Board contingent upon receiving a certification from a professional engineer to ensure the accuracy of the proposed design's structural integrity. Therefore, we did not review the structural calculations that were provided.

It may be worth pointing that such concrete vaulted system would appear to have to satisfy Virginia Building Codes, aboveground tank fire safety codes (e.g., NFPA 30), and if applicable, SPCC aboveground tank regulations currently under consideration for revision within EPA.

cc: Jim McCormick